IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 943 OF 2005

IN

WRIT PETITION NO. 256 OF 2005

SHRI SHAIKH YACUB MUZAWAR(SIN.DEC.) THROUGH L.RS., ...Applicant

Versus

SHRI SHRINIWAS RAMNATH PAI (SIN.DEC.) THROUGH L.RS. AND 2 ORS., ...Respondents

Mr. S.D. Lotlikar, Sr. Advocate with Mr. S. Y. Thaly, Advocate for the Applicants.
Mr.P.S. Rao, Advocate for R.1(a) to (e)

Coram:- D. D. SINHA, J.

Date:- 13th December, 2005

P.C.:

Heard Shri S.D. Lotlikar, learned Senior Counsel and Shri P. Rao, learned counsel for the respondents.

2. Misc. Civil Application No.943/05 is moved by the Applicants seeking further time of three months to vacate and hand over the vacant possession of the suit premises as directed by this Court vide Order dated 15th September, 2005 passed in Writ Petition No.256/05.

3. Mr. Lotlikar, the learned Senior Counsel states that in the family of the petitioner NO.2, he is the sole bread earning member and who is doing job of daily wages as a helper. He further contended that petitioner No.1 has a minor daughter of two years of age and the sister of the petitioner who has a School going daughter of 12 years of age. It is contended that

the petitioners inspite of their best effors have not been able to find alternate accommodation within the stipulated period and because of poor financial conditions, the petitioners could not hand over vacant possession within the stipulated period for want of accommodation.

4. Mr. Lotlikar, learned Senior Counsel assures this Court that if time is extended for handing over vacant possession on or before the expiry of the same, vacant possession of the suit house shall be handed over to the respondents.

5. Learned counsel for the respondents on the other hand, has submitted that sufficient time was granted by this Court to make alternate arrangements and therefore no further time may be granted for vacating the suit house and the petitioners be directed to hand over the possession to the respondents forthwith.

6. I have considered the contentions canvassed by the respective counsel. It is no doubt true that the proceedings for eviction were going on for a long time and the landlord finally succeeded and therefore he is entitled to get the possession of the suit premises as early as possible. It is also true that the petitioners were given three months time to make alternate arrangements and to vacate and hand over the possession of the suit premises to the respondents and therefore the petitioners ought to have found alternate accommodation during this time. However, in view of the above referred facts placed before me by Shri Lotlikar, learned Sr. Counsel, and in the interest of justice and by way of last chance, the present Civil Application is disposed of by the following Order :-

The petitioners are granted further two months time from today to hand over vacant possession of the suit house to the respondents without fail. It is made clear that no further extension shall be granted for this purpose.

Misc. Civil Application is disposed of accordingly.

D. D. SINHA, J.

sl.